

Meeting of 2009-1-13 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 13, 2009 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 Frank Jensen, City Attorney
 Traci Hushbeck, City Clerk
COL Robert Bridgford, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:01 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. David King, Calvary Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: James Hanna, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Jeff Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Bill Shoemate, Ward One

Mayor Purcell announced the program Crystal Darkness will be broadcast on Channel 7 at 6:30 p.m.

Dr. Christie Taylor, Executive Director of Roadback, stated she is part of the Crystal Darkness Coalition campaign. She stated there will numerous watch parties across the county for the broadcast. She announced those locations.

PRESENTATION OF CITIZEN OF THE MONTH FOR DECEMBER 2008 TO AWANDA GLOVER.

Sandra Kuntz, Chairman of the Mayor s Commission on that Status of Women announced that Awanda Glover has been named Citizen of the Month for December 2008.

Mayor Purcell read a Certificate of Congratulations from the State of Oklahoma and a Certificate of Commendation from the Mayor s Office.

AUDIENCE PARTICIPATION:

Buford Rooks, 6410 NW Compass Drive, stated that every year a lot of the holidays fall on either Mondays or Thursdays and half of the Lawton residents miss their trash pick up on those days. In the last six weeks he has missed three Thursday pick ups and they pay the same rate as those who have trash pick up on Tuesday and Friday. He would like for someone to think about this.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF NOVEMBER 18 AND DECEMBER 2, 2008.

MOVED by Warren, SECOND by Haywood, to approve the minutes of the Lawton City Council regular meetings of November 18 and December 2, 2008. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Purcell stated they need to strike item #20 at the request of Councilmember Burk, and also strike item #23 from Executive Session.

Shanklin requested items #10, #14 and #15 be considered separately.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda with the exception of items 10, 14 and 15. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Hanna. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Jevon and Fintrika Watkins in the amount of \$2,082.14 (**Res. 09-01**), Raymond and Pat McMurry in the amount of \$4,811.00 (**Res. 09-02**) and Arleta Stover in the amount of \$2,560.00 (**Res. 09-03**). Exhibits: Legal Opinions/Recommendations, Resolution No.09-___, Resolution No. 09-___, Resolution No. 09-___.
2. Consider the following damage claim recommended for denial: Corey Potts in the amount of \$1,700.00. Exhibits: Legal Opinion/Recommendation.
3. Consider approving the deposit of a reimbursement check from Thomson-West, in the amount of Three Hundred Thirty-Four and 94/100 Dollars (\$334.94) into City Attorney s 231 - Professional Services Account. Exhibits: Thomson-West reimbursement check.
4. Consider approving the deposit of a reimbursement check from LURA, in the amount of One Hundred Ninety-Seven and 30/100 Dollars (\$197.30) into City Attorney s 231 - Professional Services Account. Exhibits: LURA reimbursement check on file in the City Clerk s Office.
5. Consider authorizing the City Attorney s Office to reimburse the County Treasurer s Office the amount of Four Hundred Thirty-Three and 00/100 Dollars (\$433.00), plus interest and penalty fees in the approximate amount of One Hundred Twenty-Six and 82/100 Dollars (\$126.82). Exhibits: Promissory Note and County Treasure s Receipt.
6. Consider approving the two damage claims Karen Stanga filed on behalf of the minor children Gregorie Holcombe (**Res. 09-04**)and Kourtnie Holcombe (**Res. 09-08**), DC-2008-061 & DC-2008-062 in the reduced amount of Fifteen Hundred 00/100 Dollars (\$1,500.00) each, and consider the passage of resolutions authorizing the City Attorney to enter into a settlement agreement and file a friendly suit. Exhibits: Resolution No. _____, Resolution No. ____.
7. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Richard Taylor in the Workers' Compensation Court, Case No. 2008-03662. Exhibits: **Resolution No. 2009-05**.
8. Consider accepting donation of monies contributed by the family of Virginia Ann Carter. Exhibits: None.
9. Consider approving **Resolution Number 2009-06** nominating Dr. Rosemary Bellino, M.D. for the Oklahoma Community Institute s 2009 award for excellence for community leadership. Exhibits: Resolution No. 2009-___.
10. Consider approving the construction plans for street improvements on East Gore Boulevard to serve the Fort Sill Apache Casino located at 2401 East Gore Boulevard. Exhibits: Site Plan

Shanklin requested an explanation of what they are proposing.

Richard Rogalski, Planning Director, stated plans have been submitted and reviewed for improvements to East Gore Boulevard to serve the Fort Sill Apache Casino which is a development funded improvement. They intend to develop the casino site and they are determining if there will be additional traffic coming in. They have elected to construct a right-turn deceleration lane and a left-turn lane in the median of Gore Boulevard.

Mitchell stated this is for current improvements. They are not talking about improvements to east Gore for their proposed development of a hotel and support facilities.

Rogalski stated currently they do have a rezoning request for that area for development. They are building a parking lot to serve their existing casino site and their future development. The traffic data was based on full development.

Mitchell stated when they decide to build a hotel, we would go back and revisit the traffic issue.

Rogalski stated by the time the hotel gets there, there could be an issue of signalization.

Mayor Purcell stated currently there is an entrance and exit to the casino. Now there will be a right hand turn lane

into the entrance.

Rogalski stated they are constructing two right turn lanes. One on the west end of the development and one on the east end where there is nothing now.

Mayor Purcell stated that is the problem and they need to look at that before they get too far along. Right now there are two entrances to the casino and another entrance into the area they are building which serves construction vehicles. He questioned if they are just talking about those two entrances that currently go into the casino.

Rogalski stated the far east entrance is not constructed at this time.

Mayor Purcell stated there are vehicles going in and out of this entrance that is not paved. He stated the concern is that there is a line up sometimes in the main lane on Gore going east turning right into the casino in the entrance that is farthest to the west. When cars come out of the casino they generally use the entrance that is farthest to the east and they go up to the next opening and make a u-turn. This problem is only going to get worse when the hotel is constructed. Right now it looks like there is an entrance/exit farther east used by construction traffic. He questioned if there will be three entrances.

Rogalski stated they are proposing to have three entrances which do meet city code. The new entrance will be a right in and no exit at all. They will have two entrances on the west side, but only one of them is an exit.

Burk stated he feels they are going in the right direction. He stated there will be a light eventually.

Mayor Purcell stated there will be three entrances/exits in that short period with a light in front of one.

Rogalski stated people coming from the east will enter at the far east entrance which is where the signal will be so all of the left turning traffic will be entering at that location as well as the left turning traffic exiting to go westbound. He stated they have invested a lot of time on this issue.

Burk stated they are trying to prevent people from making a U-turn in front of Sonic.

Mayor Purcell questioned if the only exit will be at the light.

Rogalski stated the far west entrance will also be an exit, but it will be a right turn only. There is no median opening there.

Mayor Purcell stated they are going to see people come out of one of those two exits and turn right and go across two lanes of traffic to go to the light to make a U-turn. This is the same problem we had at I-44. He suggested that the only way to exit is at the light.

Haywood stated this is going to be good for the city of Lawton. He is surprised there have not been more accidents there.

Burk stated they are limited in space because they only own so much property. They have been working on this for months and he feels they have come up with the best they can do.

Mayor Purcell stated they are approving this with fourteen conditions, none of which address the issue of people cutting across traffic to get to the light.

Burk stated he does not see how they can change this to make it any better.

Jerry Ihler, Public Works Director, stated they really only have two exits, one at the very west and one at the very east of the property. The one at the west end can only turn right and go out and the one at the east end is where the future light will be when the hotel goes in. The traffic volume at this time did not warrant the signal. He stated they will put the signal in when the hotel and restaurant go in. He stated the property owner was not able to work out anything with the property owner to the east and they could not place the traffic signal and exit on 25th Street, which he felt would have been the best option. He stated the spacing on the entrances are allowed by code.

MOVED by Burk, SECOND by Shanklin, to approve the construction plans for street improvements on East Gore Boulevard to serve the Fort Sill Apache Casino located at 2401 East Gore Boulevard AYE: Burk, Shanklin, Patton, Haywood, Warren, Hanna, Drewry. NAY: None. MOTION CARRIED.

11. Consider approving construction plans for water, sanitary sewer, and deceleration lane and drive opening and an application for Access to a Limited Access Roadway for 7502 NW Quanah Parker Trailway. Exhibits: Location Map and Application.

12. Consider approving construction plans for water line improvements serving the development at 602 SW 82nd Street. Exhibits: Location Map.

13. Consider adopting a Resolution authorizing the installation of traffic control measures on the east side of NW 40th Street near W Gore Blvd. Exhibits: Traffic Commission Minutes, Traffic Issue Request, and **Resolution No. 09-07**.

14. Consider denying the requests for traffic control measures on SW Atterbury Drive, SE Mieling Drive and SE Brighton Drive. Exhibits: Traffic Commission Minutes and Traffic Issue Request.

Shanklin questioned why we turned these down. He has seen these in Norman.

Ihler stated there is a very limited amount of traffic that utilizes Atterbury. They contacted officials in Norman and received a copy of their Neighborhood Traffic Management and Calming Program and one of the items utilized to slow down traffic are speed tables. There is criteria that Norman uses, such as there must be at least 500 cars a day go through the street. The streets that were requested on this item do not even come close that number. He stated they are utilizing the Traffic Commission to go through and add pros and cons to fit this program to the City of Lawton. It will then go to the City Council for approval. He stated that this does not mean that they will not use speed table at some point.

Warren stated that police, fire and ambulance service has an issue because it does cause their response time to increase. He stated Norman requires developers to put traffic devices in at the time the development is built.

Burk stated if people are complaining in these neighborhoods, maybe the police should monitor these locations.

MOVED by Shanklin, SECOND by Warren, to deny the requests for traffic control measures on SW Atterbury Drive, SE Mieling Drive and SE Brighton Drive. AYE: Shanklin, Patton, Haywood, Warren, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

15. Consider amending (RFPCL08-004) Property Insurance with Towe, Hester & Erwin LLC of Lawton, OK to include the addition of buildings and contents. Exhibits: City of Lawton Property Schedule

Shanklin stated this firm has had this contract since 1994 without any competition. He has had calls from people wanting to know why the bid was not put out. He stated it takes some time to put this bid together and this is a lot of money to put out over fourteen years without any competitive bids.

Rick Endicott, Finance Director, stated this was bid out in 2007.

Shanklin questioned who bid. He has heard that no one has bid on this contract since 1994.

Endicott stated this was sent out for bid.

Shanklin stated he is just relating the stories he has heard.

MOVED by Shanklin, SECOND by Hanna, to amend (RFPCL08-004) Property Insurance with Towe, Hester & Erwin LLC of Lawton, OK to include the addition of buildings and contents. AYE: Patton, Haywood, Warren, Hanna, Drewry Burk, Shanklin. NAY: None. MOTION CARRIED.

16. Consider approving appointments to boards and commissions. Exhibits: None.

17. Consider approval of payroll for the periods of December 15, 2008 January 11, 2009.

BUSINESS ITEMS:

18. Consider an ordinance amending Section 22-4-1-403, Article 22-4, Chapter 22, Lawton City Code, 2005, by changing the time that refuse containers are to be placed at the curb, providing for severability and declaring an emergency. Exhibits: Ordinance 09-____.

Hanna stated staff did some research for him and over the last two years 777 people have been issued citations. In 2007, 152 people got tickets for putting their trash out at the curb. He questioned what those people who work at Goodyear were supposed to do when their shifts are from 7:00 p.m. to 7:00 a.m. and the ordinance restricts you from putting your trash out before 8:00 p.m. He is asking that the 8:00 p.m. time be changed to 5:00 p.m. and leave the rest of the code alone. He stated there are still going to be those who leave their cans out there 24/7 and those residents should be given tickets.

Buford Rooks, 6410 NW Compass Drive, stated he agrees. Trash cans are sitting out 24/7. He stated he has a problem with the time they have to be off the street. Last Monday the trash men did not get to his house until 10

p.m.

Hanna stated there has to be exceptions to the rules.

Burk stated that happened because it was the quarterly clean up and they were out late.

Warren stated he is not going to be able to support this because he has never had a complaint.

Patton questioned the criteria for house side pickup.

Mayor Purcell stated there is no additional charge for house side pickup if you have a note from your doctor.

MOVED by Hanna, SECOND by Burk, to adopt **Ordinance 09-01** waive the reading of the ordinance, read the title only, and declaring an emergency. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Hanna. NAY: Warren. MOTION CARRIED

(Title read by City Attorney)

Ordinance 09-01

An ordinance pertaining to refuse amending Section 22-4-1-403, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by changing the time that refuse containers are to be placed at the curb, providing for severability, declaring an emergency.

19. Consider adopting an ordinance pertaining to Buildings, Construction, and Housing amending Sections 6-3-1-301 and 6-3-1-302, Division 6-3-1, Article 6-3, Chapter 6, Lawton City Code, 2005, by adopting the 2008 edition of the National Electrical Code, providing for severability and establishing an effective date. Exhibits: Ordinance No. 09-____.

Doug Wellhouse, License and Permit Division Supervisor, stated in July the State of Oklahoma adopted the 2008 National Electric Code. He stated this ordinance will bring the City of Lawton in line with the state level.

Shanklin questioned if this has been discussed with the electrical contractors.

Wellhouse stated they have notified the supply houses regarding the products they will have to stock. He stated contractors will have until March 1st to comply.

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 09-02** waive the reading of the ordinance, read the title only. AYE: Burk, Shanklin, Patton, Haywood, Warren, Hanna, Drewry. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 09-02

An ordinance pertaining to buildings, construction, and housing amending Sections 6-3-1-301 and 6-3-1-302, Division 6-3-1, Article 6-3, Chapter 6, Lawton City Code, 2005, by adopting the 2008 edition of the national electrical code, providing for severability and establishing an effective date of March 1, 2009.

20. Discuss and consider authorizing financial assistance from the Hotel/Motel Tax Fund for the Lawton Enhancement Trust Authority to utilize for the benefit of the 11th Street Enhancement Project and take appropriate action as deemed necessary. Exhibits: Current status of the Hotel/Motel Fund allocations.

THIS ITEM WAS STRICKEN FROM THE AGENDA

21. Discuss, provide direction to staff or take appropriate action on the proposed Administrative, Supervisory and Management (ASM) Compensation and Classification plan for all non-union city employees with an implementation date of July 1, 2009. Exhibits: None.

Mitchell stated staff has been working on this program for about four years. He stated the information was distributed with the agenda packets which included an overview and history of where they have been with this plan. Four years ago they started a discussion of developing a market based pay plan for all of the general employees, but around that time the union was formed. It took about a year to determine who was designated under AFSCME and who was not in the union. They ended up with 117 employees who are now non union, supervisory and professional staff. One of the key issues is that our present personnel ordinance requires us to maintain a city compensation plan and we have not made any major changes to that plan since 1999. He stated this plan has eleven grades with fifteen steps which makes our compensation competitive and attract and retain professionals, and maximize flexibility in hiring and retaining employees. He stated the proposal tonight is a two part proposal. The majority of the 117 employees would fall under a classification system and the other part of the plan would be a performance based merit system for department directors with annual reviews. Department directors would no longer be part of a pay classification system, they would be in a merit based system with no automatic steps. The plan was presented to department directors in November.

Hanna questioned the time frame to get from step one to fifteen.

Mitchell stated it would be an annual step based on evaluations.

Hanna stated every year an employee would get a step increase. He questioned if the cost of living adjustment is in addition to the step.

Mitchell stated the police and fire contracts have 5% steps for the first ten years, and they negotiate for other wage and benefit increases whether that includes a cost of living increase or changes in other benefits for those union groups. There are years where a firefighter or police officer can get a 5% step increase, and based upon what the City Council decides to do with their contract, they could also received a 2%, 3% or 4% cost of living increase (COLA). Once they get to the end of the pay plan, after that ten year period, the firefighter or police officer is only eligible for the cost of living increase.

Hanna stated unless they add more steps which they have done in the past.

Mitchell stated there are four department directors whose salaries are frozen and in the 117 non union employees there are fifteen or sixteen employees that are presently frozen and in the next year or two there will be another fourteen or fifteen positions frozen.

Hanna stated in fifteen years a new employee can max out in the plan.

Mitchell stated that is part of the problem. Right now we have a federal civil service pay plan.

Hanna stated with the federal civil service plan you received a step increase the first three years, after that it was every two years up to six years. Then it goes to every four years. By the time you hit your thirty years, you are at the end of the pay plan.

Mitchell stated the current pay plan is designed to provide a 2 % step each year as opposed to fire and police who have 5% steps. The proposed plan is a graduated step where the first three years would be a 5% step and the next four or five years would be a 3% and then it goes down to 2 % for the last five or six years. They are basically trying to combine fire and police benefits.

He stated the COLA increases are strictly what the City Council decides to do during the budget year.

Hanna questioned if this plan had an affect on the budget.

Mitchell stated yes. He stated last year the Council approved the fire contract that includes a 2 % step and a 2% COLA. They will be going into AFSCME and police negotiations shortly. All of the employee groups will be considering those wages and benefits each year as they go through the budget process.

Mayor Purcell stated there are people in departments that are making as much and sometimes more than the department directors. This plan will attempt to fix that problem. He stated they keep seeing people leave because they are getting more in other cities and the private sector. They need to do something.

Mitchell discussed the handout. He stated in the current plan the majority of the non-union employees are in the last half of our pay plan. There are a lot of senior staff members approaching the end of the pay plan and there are a number of employees that are at the end and frozen and the only way they have been able to address that issue has been to reclassify. If you do this long enough, the whole plan is jeopardized because you are now changing people s compensation strictly based on individual requests and not based on a group of employees who have similar jobs with similar responsibilities. He stated you want to design your pay plan where there is equal distribution throughout the pay plan.

Shanklin questioned the costs.

Mitchell stated on table 3 of the proposed plan you can see the current compensation and the proposed when those employees are converted into the new plan. If the City Council adopts this plan they would not penalize any individuals or any position. As you move into the new plan you are not losing any wage or compensation. He stated as of today, they are estimating the cost would be between \$90,000 and \$95,000. He stated that number will change between now and the time the plan is implemented because people will leave or retire. They are also having some internal discussion about a couple of the classifications but will work through those during the budget process. He stated the change here is that they think in order to recruit people, they need to start them out and accelerate their compensation when they start and that levels out over time. Both fire and police have a 5% step in their contracts and they think for the non-union professional staff, it makes sense that they should match that compensation. The executive compensation would be a pure merit performance based system which will allow them to have more flexibility in hiring and compensation levels. The current pay plan is not competitive and they

simply cannot recruit people in steps A, B or C. He stated the current pay plan does not recognize experience outside of the organization. If a person has twenty years of experience with another company, the pay plan says you hire this person in steps A, B or C.

Shanklin questioned if the City Manager has some leeway.

Mitchell stated he does, but it jeopardizes the whole system when he does this. You would have to make a value judgment about the importance of that position versus having a system that groups the positions together so that those who have like experiences, responsibilities and education are compensated the same or similar. He stated the one thing he hopes this addresses is if someone comes to work for the City of Lawton and moves all the way through the pay plan, when they reach the end of this pay plan there is no reclassification. This is how much they think this position is worth in the market. He feels this is a much better plan than the current one and it is a big improvement and there may be minor adjustments over time as positions change and as we change the way we are doing things.

Hanna questioned what would constitute a field supervisor. He counted six field supervisors in the water department. He questioned how many employees that person would supervise.

Ihler stated in water distribution there are two field supervisors, in wastewater collection there are two field supervisors, in sewer rehab there is one field supervisor. In water distribution each field supervisor has three or four crews they oversee.

Mitchell stated he has also included surveys from other cities in Oklahoma, our region and from the Oklahoma Municipal League. This is the area that we recruit from and some of our professional staff relocate to some of these cities. He stated this is the final product and they would like to implement in July. There is no cost of living included in this document and the investment cost is in the neighborhood of about \$90,000.

Shanklin questioned if Mr. Mitchell believes that we can compare wages with another town of our size even though their budget is \$75 million and ours is \$45 million.

Mitchell stated that all he can say is that is where we are recruiting from and we are having a very hard time filling positions.

Shanklin questioned if we were talking about professional people.

Mitchell stated yes. He is talking about engineers, planners, attorneys, accountants, etc..

Shanklin questioned how many professional positions we have out of 880 employees.

Mitchell stated that in the supervisory and professional staff, 117 employees are covered by this plan.

Shanklin questioned what they were going to do when water is \$75 for 2,000 gallons. It is on the horizon.

Mitchell stated the only solution is to outsource all of these responsibilities. If you can't hire an engineer, planner or accountant then you have to outsource those jobs.

Drewry stated she realizes that a lot of work went into this and she feels it is a good plan.

Jensen stated that he and the City Manager have talked about minor adjustments to the plan. He feels their Legal Assistant II positions should not be ranked below the Administrative Assistant II positions in other departments. He is asking the City Council to consider this change.

Mitchell stated they are considering that change and this will be subject to the funds available when the budget is adopted.

Burk stated you get what you pay for. If we lose people because they are tapped out at the top and they want to stay on for 25 plus years, we need those people to stay and we have to pay. They need to remember that they are talking about people that just can't be replaced by someone off the street.

MOVED by Drewry, SECOND by Burk, to approve the proposed Administrative, Supervisory and Management (ASM) Compensation and Classification plan for all non-union city employees with an implementation date of July 1, 2009. AYE: Shanklin, Patton, Haywood, Warren, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Drewry stated the Salvation Army Shelter is short 24 beds. She has located some beds in Texas and they are

exactly what they need. She requested that the City Council approve \$1,000 from the Council Contingency Fund to buy ten beds.

Mayor Purcell stated they can direct staff.

Drewry stated she does not have time to approve this at the next meeting. They need the beds for the weekend since it will be cold. She has located some people who will also be helping.

Shanklin stated he would give \$100 tonight.

Mayor Purcell questioned if the Council would agree to this request.

Shanklin questioned if they could legally do this.

Jensen stated he does not believe they can legally do this. It was not on the agenda. He stated they discussed this at directors meeting that morning and thought they had a solution.

Mitchell stated that the Parks and Recreation Director had a contact that might be able to provide some beds. He stated he believes that the Council can do this.

Jensen stated he does not agree.

Endicott stated he does not have a problem with this if the Council agrees.

Mayor Purcell stated they can bring an item back at the next meeting for subsequent approval. He questioned if Council agrees to do this.

No one objected.

Shanklin questioned if they were hiring another ten firefighters.

Mitchell stated they are interviewing for three positions.

Shanklin stated the only problem he has is that now we are about 58% living out in the county.

Mitchell stated his preference is to hire from inside the city but the problem is that you hire someone from inside the city and five years later they are living in the county. He questioned how you address that. He questioned if they can restrict where they live.

Jensen stated only for certain professions.

Shanklin stated his point is that he does not believe that those guys could be picking and choosing who gets the next job.

Mitchell stated they opened bids for 2nd Street today and received two bids. Engineering is currently evaluating those bids and will have a report at the next meeting. He stated there will be a special meeting next Tuesday, January 20th to receive a preliminary engineering report from Garver Engineering regarding Rogers Lane.

Chief Ronnie Smith, Lawton Police Department, reported the end of the year statistics. Violent crime went down 6.4% last year and non violent crimes went down 6.5%. Homicides were down by 36%, rapes up 4%, robberies are up, assaults down 10%, burglaries down 7.1%, larcenies down 9.5%, motor vehicle thefts were down 18.5%. He stated traffic accidents were down by about 102 for the year. Citations were up by 1,000. He stated he will try to get a report out to the Council every three months.

Mayor Purcell suggested he send it out electronically.

Mitchell stated if the Council is interested in the statistics on certain neighborhoods, they can get that information.

The Mayor and Council convened in executive session at 7:46 p.m. and reconvened in regular, open session at 8:00 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the lawsuit Stephen and Deana Carroll vs. City of Lawton, CJ-2008-088, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 22.

MOVED by Patton, SECOND by Warren, to approve settlement in the amount of \$1,329 and authorize the City Attorney to file a friendly suit and all necessary paperwork to effectuate settlement. AYE: Drewry, Patton. NAY: Warren, Hanna, Burk, Shanklin, Haywood. MOTION FAILED.

23. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss interest arbitration for a Collective Bargaining Agreement for FY 2009-2010 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

THIS ITEM WAS STRICKEN FROM THE AGENDA

ADDENDUM:

EXECUTIVE SESSION ITEM

1. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2009-2010 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Jensen read the title of the addendum.

MOVED by Drewry, SECOND by Burk, to appoint Larry Mitchell, Tim Wilson and Sherry Anderson as the City's negotiating team for fiscal year 2009-2010 negotiations with IUPA Local 24 and to further appoint Larry Mitchell as Chief Negotiator to the team. AYE: Shanklin, Patton, Haywood, Warren, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:02 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.
JOHN P. PURCELL, JR., MAYOR

ATTEST:

Traci Hushbeck
TRACI HUSHBECK, CITY CLERK